

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 98-2506

Frank Watts, II,

Appellant,

v.

U.S. Postal Service; Pulaski County
Regional Detention Facility, Postal
Service,

Appellees.

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Appeal from the United States
District Court for the
Eastern District of Arkansas

[UNPUBLISHED]

Submitted: August 31, 1998

Filed: September 18, 1998

Before McMILLIAN, RICHARD S. ARNOLD, and MORRIS SHEPPARD
ARNOLD, Circuit Judges.

PER CURIAM.

Frank Watts II appeals from the final judgment entered in the District Court for the Eastern District of Arkansas dismissing his 42 U.S.C. § 1983 action without prejudice. Watts had filed his action from the Arkansas prison facility where he was confined (the Varner Unit), complaining of prior occurrences in a county detention facility. The district court believed that Watts had not provided his correct address, because court correspondences sent to him at the county facility were returned as

undelivered. After the district court ordered Watts to submit a correct address or face dismissal, he timely responded that his address had not changed from the Varner Unit address he had listed on his complaint. Apparently unaware of Watts's response, the district court dismissed the complaint without prejudice.

Upon review of the record, we note it appears that there was a miscommunication about Watts's correct address and that, in fact, he had not changed his address or failed to respond to the district court's order.

Accordingly, we vacate the judgment and remand to the district court for further proceedings.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.